

Neil A. Tortora - 017312005  
MORRISON MAHONEY LLP  
Waterview Plaza  
2001 U.S. Highway 46, Suite 200  
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Phone: 973-257-3526  
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Attorneys for Defendant, Mitsuwa Marketplace

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ALICIA MICHAELS,  
Plaintiff,

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION– BERGEN COUNTY

v.

DOCKET NO.: BER-L-4553-20

MITSUWA MARKETPLACE, ABC  
CORPORATIONS (fictitious names) and  
JOHN DOE I-III (fictitious names),

Civil Action

**NOTICE OF REMOVAL**

Defendants.

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**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §§ 132, 1441 and 1446, Defendant, Mitsuwa Marketplace, a California corporation with the principal place of business in Torrance, California, hereby removes the above-captioned action from the Superior Court of New Jersey, Law Division, Bergen County, to the United States District Court for the District of New Jersey, based upon the following:

1. On or about August 5, 2020, Plaintiff, Alicia Michaels, commenced a civil action by filing a Complaint in the Superior Court of New Jersey, Law Division, Bergen County, entitled ALICIA MICHAELS V. MITSUWA MARKETPLACE, ET AL., Docket No.: BER-L-4553-20 (“Complaint”).
2. Defendant, Mitsuwa Marketplace, was put on notice of the Complaint in this matter on August 12, 2020.
3. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Complaint against this Defendant is attached hereto as Exhibit A.

4. Pursuant to 28 U.S.C. § 1446(b), this Notice is being filed with this Court within thirty (30) days of Mitsuwa Marketplace's first receipt "through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based."

5. This Honorable United States District Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 because this is a civil action in which there is complete diversity of citizenship between Plaintiff and Defendant, and in which it is believed that the amount in controversy exceeds \$75,000, exclusive of interest and costs, as described below.

6. Based upon the allegations in the Complaint, Plaintiff is a citizen of the State of New Jersey, residing in Paramus, Bergen County, New Jersey.

7. The Complaint alleges that on or about October 24, 2019, Plaintiff, Alicia Michaels, slipped and fell on ice inside the premises known as Mitsuwa Marketplace in Edgewater, Bergen County, New Jersey, which had accumulated on the floor.

8. In this action, Plaintiff, has named as Defendants, Mitsuwa Marketplace, ABC Corporations, fictitious names and John Doe I-III, fictitious names.

9. Defendant, Mitsuwa Marketplace, is a corporation organized under the laws of the State of California with its principal place of business in Torrance, California.

10. For diversity purposes, Mitsuwa Marketplace is a citizen of California. It is not a citizen of New Jersey.

11. The jurisdiction in state court is unlimited damages and Plaintiff has provided no limitation of damages being below \$75,000.

12. While Mitsuwa Marketplace denies all liability to Plaintiff and denies that she is entitled to any of the relief sought the Complaint, based upon the allegations of the Complaint and the injuries alleged, and based upon information and belief, the amount in controversy exceeds the \$75,000 jurisdictional amount under 28 U.S.C. § 1332.

13. Therefore, this civil action is Removable to this Court pursuant to 28 U.S.C. § 1441.

14. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being submitted for filing with the Clerk of the Superior Court, Law Division, Bergen County, and is being served upon Plaintiff. (See Exhibit B.)

15. In filing this Notice of Removal, Mitsuwa Marketplace does not waive any defects in service of process, venue or personal jurisdiction.

16. Mitsuwa Marketplace will be filing a Third Party Complaint against Apollo Retail Specialists, LLC a Florida company.

17. For the foregoing reasons, this United States District Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a).

**Morrison Mahoney LLP**

Attorneys for Defendant,  
Mitsuwa Marketplace

Dated: August 28, 2020

By: /s/ Neil A. Tortora

Neil A. Tortora

**LOCAL CIVIL RULE 11.2 VERIFICATION**

Other than the action filed in the Superior Court of New Jersey, Law Division, Bergen County, which is the subject of this Notice of Removal, the matter in controversy, to the best of Defendant's knowledge, information and belief, is not the subject of any other action pending in any Court, or of any other pending arbitration or administrative proceeding.

**Morrison Mahoney LLP**

Attorneys for Defendant,  
Mitsuwa Marketplace

Dated: August 28, 2020

By: /s/ Neil A. Tortora

Neil A. Tortora

**CERTIFICATION OF SERVICE**

I hereby certify that on this date, I caused to be served via Federal Express, a true and accurate copy of the foregoing Notice of Removal on:

Jerry Maroules, Esq.  
Agrapidis & Maroules, P.C.  
777 Terrace Avenue, Suite 504  
Hasbrouck Heights, New Jersey 07604

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.

Dated: August 28, 2020

/s/ Neil A. Tortora

Neil A. Tortora

# Exhibit A

## COMPLAINT AND JURY DEMAND

3. Upon information and belief, and in the alternative to the allegations in paragraphs 1 & 2 above, the true name of and capacity, whether individual, plural, corporate, partnership, associate or otherwise of defendants, ABC Corporations and John Doe I-III, are unknown to plaintiff. Plaintiff brings suit against said defendants by such fictitious name.

ABC Corporations and/ or John Doe I-III may be the true party or parties responsible for the incident of October 24, 2019, and /or are the parties responsible for any dangerous conditions created on the premises, and for the well-being of plaintiff, Alicia Michaels, but the full extent of those facts linking the fictitiously designated defendants with the cause of action alleged herein is unknown to plaintiff at this time.

4. As a direct and proximate result of the negligence of the defendants, Mitsuwa Marketplace, ABC Corporations and John Doe I-III, their agents, servants, and/or employees, the plaintiff, Alicia Michaels, was caused to fall and sustain serious injury, causing her to suffer great pain and will in the future be caused to suffer great pain; she was caused to incur medical expenses; she was unable to continue with her employment; she will in the future be caused to incur medical expenses; and she was caused to suffer permanent injuries.

5. Defendants had actual and/or constructive notice of the dangerous condition described above and failed to remedy this dangerous condition, take precautionary steps to prevent the accident, and/or give notice to the plaintiff of the dangerous condition, thereby breaching their duty of care to plaintiff.

WHEREFORE, the plaintiff, Alicia Michaels, demands judgment against the defendants, Mitsuwa Marketplace, ABC Corporations and John Doe I-III, jointly and severally for damages, pain and suffering and infliction of emotional distress, together with attorney's fees, interest, costs of suit and any other relief the Court deems just and equitable.

AGRAPIDIS & MAROULES, P.C.  
Attorneys for Plaintiff

BY:

JERRY MAROULES, ESQ.

DATED: July 30, 2020



**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands a trial by jury as to all issues raised in the Complaint.

AGRAPHIDIS & MAROULES, P.C.  
Attorneys for Plaintiff

BY: 

JERRY MAROULES, ESQ.

DATED: July 30, 2020

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, Jerry Maroules, Esq. (ID#023261983), is hereby designated as Trial Counsel of this matter.

AGRAPHIDIS & MAROULES, P.C.  
Attorneys for Plaintiff

BY: 

JERRY MAROULES, ESQ.

DATED: July 30, 2020

**CERTIFICATION**

I certify that pursuant to R. 4:5-1, to my knowledge and based on the information available to me at this time, the matter in controversy is not the subject of any other action pending in any Court, or of a pending arbitration proceeding and that no additional parties are known at this time who should be added except as follows:

There is a pending related worker's compensation claim filed in the New Jersey Division of Workers Compensation under the caption Alicia Michaels vs. On the Shelf with claim petition number of CP 2020-5991.

AGRAPHIDIS & MAROULES, P.C.  
Attorneys for Plaintiff

BY: 

JERRY MAROULES, ESQ.

DATED: July 30, 2020

**DEMAND FOR ANSWERS TO INTERROGATORIES**

Pursuant to R. 4:17-1(b), the plaintiff hereby demands that the defendant provide answers to the Uniform Interrogatories set forth in Form C and C(2) of Appendix II of the Rules Governing the Courts of the State of New Jersey.

AGRAPIDIS & MAROULES, P.C.  
Attorneys for Plaintiff

BY:

  
JERRY MAROULES, ESQ.

DATED: July 30, 2020

## Civil Case Information Statement

### Case Details: BERGEN | Civil Part Docket# L-004553-20

**Case Caption:** MICHAELS ALICIA VS MITSUWA  
MARKETPLACE  
**Case Initiation Date:** 08/05/2020  
**Attorney Name:** JERRY A MAROULES  
**Firm Name:** AGRAPIDIS & MAROULES, PC  
**Address:** 777 TERRACE AVE STE 504  
HASBROUCK HGTS NJ 076040000  
**Phone:** 2012880500  
**Name of Party:** PLAINTIFF : Michaels, Alicia  
**Name of Defendant's Primary Insurance Company**  
(if known): Somp International

**Case Type:** PERSONAL INJURY  
**Document Type:** Complaint with Jury Demand  
**Jury Demand:** YES - 6 JURORS  
**Is this a professional malpractice case?** NO  
**Related cases pending:** NO  
**If yes, list docket numbers:**  
**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO  
**Are sexual abuse claims alleged by: Alicia Michaels?** NO

### THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category: Putative Class Action?** NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

08/05/2020  
Dated

/s/ JERRY A MAROULES  
Signed

# **Exhibit B**

Neil A. Tortora - 017312005  
MORRISON MAHONEY LLP  
Waterview Plaza  
2001 U.S. Highway 46, Suite 200  
Parsippany, NJ 07054  
Phone: 973-257-3526  
Fax: 973-257-3527  
Attorneys for Defendant, Mitsuwa Marketplace

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ALICIA MICHAELS,  
Plaintiff,

v.

MITSUWA MARKETPLACE, ABC  
CORPORATIONS (fictitious names) and  
JOHN DOE I-III (fictitious names),  
Defendants.

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION- BERGEN COUNTY

DOCKET NO.: BER-L-4553-20

Civil Action

**NOTICE OF NOTICE OF REMOVAL**

To: Clerk, Superior Court of New Jersey  
Bergen County Courthouse  
10 Main Street  
Hackensack, New Jersey 07601

Jerry Maroules, Esq.  
Agrapidis & Maroules, P.C.  
777 Terrace Avenue, Suite 504  
Hasbrouck Heights, New Jersey 07604

Defendant, Mitsuwa Marketplace, gives notice that it has removed this action to the United States District Court for the District of New Jersey. A true and correct copy of the Notice of Removal that has been filed with the United States District Court for the District of New Jersey is attached as Exhibit A. Pursuant to 28 U.S.C. 1446(d), no further proceedings may be held in this Court in this action unless or until the case is remanded.

**Morrison Mahoney LLP**

Attorneys for Defendant,  
Mitsuwa Marketplace

Dated: August 28, 2020

By: /s/ *Neil A. Tortora*

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Neil A. Tortora

**CERTIFICATION OF COUNSEL**

I hereby certify that on this date, I caused to be served via Federal Express, a true and correct copy of the foregoing Notice of Notice of Removal of Case to Federal Court on:

Jerry Maroules, Esq.  
Agrapidis & Maroules, P.C.  
777 Terrace Avenue, Suite 504  
Hasbrouck Heights, New Jersey 07604

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: August 28, 2020

/s/ Neil A. Tortora  
Neil A. Tortora